

SCOTT N. SCHOOLS (SCN 9990)
United States Attorney

MARK L. KROTOSKI (CSBN 138549)
Chief, Criminal Division

JEFFREY D. NEDROW (CSBN 161299)
Assistant United States Attorney
San Jose Division

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5045

Attorneys for Plaintiff

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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CAL. S.J.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SEAN RIGSBY,

Defendant.

No. CR 06-00621-JW

STIPULATION AND [PROPOSED]
ORDER RE: CONTINUANCE OF
STATUS CONFERENCE

The parties, by and through their counsel of record, hereby stipulate to the following:

1. The parties request that the Court continue the status conference presently set for March 19, 2007 to April 16, 2007 at 1:30 p.m.

2. The parties stipulate and request that the Court find the following as a factual basis for continuing the plea hearing:

The parties are continuing their discussions regarding an appropriate disposition in this case. Defendant's counsel has been out of the country and unavailable for a period of time, and therefore has not had the opportunity to consult with defendant regarding an appropriate disposition. The above-requested continuance will afford time for the defendant to consider the

1 government's most recent plea proposal and make an informed decision, with the assistance of
2 counsel, regarding that proposal.

3 3. The parties agree that the time between March 19, 2007 and April 16, 2007 shall be
4 excludable from the Speedy Trial Act requirements of Title 18, United States Code, Section 3161
5 pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The
6 parties agree that the time is excludable in that the ends of justice served by granting this
7 continuance outweigh the best interests of the public and the defendants in an earlier trial
8 specifically based on the need for continuity of counsel, in that appointed counsel was
9 unavailable for a period of time prior to the March 19, 2007 court date. The requested
10 continuance will provide defendant and his appointed counsel adequate time to complete
11 consideration of the totality of the discovery, and the most recent plea proposal provided by the
12 government. The parties therefore agree that a continuance is necessary to ensure that counsel
13 are prepared to make informed decisions regarding the case, and denial of such a continuance
14 would unreasonably deny defendant Rigsby effective case preparation pursuant to 18 U.S.C. §
15 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

16
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18 3/20/07
19 DATE

SCOTT N. SCHOOLS
United States Attorney


JEFFREY D. NEDROW
Assistant United States Attorney

20
21
22 DATE

MARY CONN
Attorney for Sean Rigsby

US ATTORNEY OFFICE Fax

Mar 19 2007 03:10pm P003/005

1 government's most recent plea proposal and make an informed decision, with the assistance of
2 counsel, regarding that proposal.

3 3. The parties agree that the time between March 19, 2007 and April 16, 2007 shall be
4 excludable from the Speedy Trial Act requirements of Title 18, United States Code, Section 3161
5 pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The
6 parties agree that the time is excludable in that the ends of justice served by granting this
7 continuance outweigh the best interests of the public and the defendants in an earlier trial
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10 continuance will provide defendant and his appointed counsel adequate time to complete
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12 government. The parties therefore agree that a continuance is necessary to ensure that counsel
13 are prepared to make informed decisions regarding the case, and denial of such a continuance
14 would unreasonably deny defendant Rigsby effective case preparation pursuant to 18 U.S.C. §
15 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

16
17 SCOTT N. SCHOOLS
18 United States Attorney

19 DATE

20 JEFFREY D. NEDROW
21 Assistant United States Attorney

22 DATE

23 MARY CONN
24 Attorney for Sean Rigsby

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SEAN RIGSBY,

Defendant.

NO. CR 06-00621-JW

ORDER CONTINUING STATUS
CONFERENCE AND EXCLUDING TIME

FOR THE REASONS SET FORTH ABOVE IN THE STIPULATION BETWEEN THE PARTIES, IT IS HEREBY ORDERED that the status conference in the above-referenced case is continued from March 19, 2007 to April 16, 2007.

The Court finds the time from March 19, 2007 to April 16, 2007 excludable from the Speedy Trial Act requirements of Title 18, United States Code, Section 3161 pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The Court finds that the time is excludable in that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in an earlier trial based on the need for continuity of counsel, in that appointed counsel was unavailable for a period of time prior to the March 19, 2007 court date. The requested continuance will provide defendant and his appointed counsel adequate time to complete consideration of the totality of the discovery, and the most recent plea

1 proposal provided by the government. The Court accordingly finds that a continuance is
2 necessary to ensure that defendant Rigsby is prepared to make informed decisions regarding the
3 case, and denial of such a continuance would unreasonably deny defendant Rigsby effective case
4 preparation pursuant to 18 U.S.C. § 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

5
6
7 DATE: 3/23/2007


JAMES WARE
UNITED STATES DISTRICT JUDGE